

## COURT TO HEAR DROEGE CASE

## MAYOR STARTS IN TOWARD THE APPELLATE DIVISION.

He Also Calls for a Night Court Investigation—Magistrate Veto Droeg's Act "Improper and Reprehensible," but Will Approve the Mayor's Part.

Mayor McClellan yesterday sent Corporation Counsel Pendleton a letter in which he virtually asks that the case of Magistrate Droeg, who is refusing to resign suggested that the Mayor institute charges against him before the proper tribunal, be brought before the Appellate Division. The letter says:

I desire you to consider this question at the earliest possible moment and take such steps as you deem necessary to bring the matter before the Appellate Division of the Supreme Court. I suggest, however, that before preferring charges against Droeg with the District Attorney and the proper committee of the Bar Association, in order that all those who are interested in investigating this matter, and in preferring the proper charges, may have an opportunity to cooperate for this purpose.

Earlier in the day the Mayor directed the Commissioners of Accounts to investigate the records and books of the night court and to make a report to him as soon as possible on the methods which have been followed in the conduct of the business of that court. The Commissioners put clerks on the job at once.

Meanwhile the Board of City Magistrates was considering the Droeg case at its monthly meeting in the West Side Court Building. Magistrate Butts, having read a newspaper clipping in which Magistrate Droeg admitted that he had given \$250 to a lawyer to give to a free lance reporter to keep him from publishing an article relating to the conducting of the business in the night court, offered this resolution:

Whereas it appears that the said Magistrate has admitted offering money to suppress the publication of certain official acts as performed by him in his administration of the duties of his office, and that therefore the judicial propriety of such act of offering said money is the sole question before the board, therefore be it

Resolved, That no board without hesitation pronounces the act of said Magistrate as improper and reprehensible and emphatically condemns the same. Further, that the board approve the act of the Mayor in regard to the matter.

Magistrate Cornell said that for the purpose of bringing about a discussion of the resolution he would second it. "The subject is a painful one and involves the honor and integrity of the board, but it is not properly before us," said Magistrate Droeg. "The subject is a painful one and involves the honor and integrity of the board, but it is not properly before us," said Magistrate Droeg.

"There should not be two views as to the conduct of this young man," said Magistrate Cornell. "But I agree with Magistrate Finn—this is not the place to try the case." "The subject is a painful one and involves the honor and integrity of the board, but it is not properly before us," said Magistrate Droeg. "The subject is a painful one and involves the honor and integrity of the board, but it is not properly before us," said Magistrate Droeg.

Magistrate Cornell moved to amend the resolution by striking out the endorsement of the act of the Mayor, and in the discussion that followed it was brought out that if the resolution in its entirety was defeated, the board would stand in the position of ignoring the act of Magistrate Droeg.

Magistrate Crane advised Magistrate Droeg to keep his mouth shut, but Droeg did get up to say that he welcomed any proper investigation and that he hoped his colleagues would pass no resolution that would prejudice the case.

## 3 MONTHS OF NIGHT COURT.

## Mandatory That It Be Continued, President Waile Reports.

At yesterday's meeting of the Board of City Magistrates President Waile read his annual report, which said of the night court:

My record and history not only justify the wisdom of its institution but made it absolutely mandatory that this court be continued. It has created for itself a fixed place in the administration of our criminal jurisprudence. There were arraigned in this court intermediate the 1st of August, 1902, and the 31st of December, 1902, 15,203 prisoners. The amount of additional expenditure for the night court was \$10,319.53.

The legislation affecting the night court is in a woefully unsettled condition. The law provides that a prisoner arrested must be forthwith arraigned before the nearest Magistrate. If this law was strictly enforced, every prisoner arrested after the adjournment of the day court, whether charged with a felony or a misdemeanor, would be arraigned in the night court. Manifestly that is impossible and was not the intention of the Legislature; but the law remains upon the statute book.

There is also this anomalous condition—the statute provides that a person giving bail shall give bail for the next morning. This law was passed before the night court was instituted. The result is that a person arrested for a misdemeanor or for disorderly conduct tending to a breach of the peace now gives bail to attend at the night court but in the day court the next morning. There is no reason why this should be so.

Magistrate Barlow was elected president of the board for the ensuing year. Philip Bloch was elected secretary.

## ARTHUR W. T. BACK ON TRIAL.

## Indicted for Misappropriating Broome County Funds.

BINGHAMTON, Jan. 27.—The trial of Arthur W. T. Back, whose official acts as custodian of county property and clerk of the Board of Supervisors caused the State Comptroller's accounts to be employed in investigating Broome county financial affairs for nearly two years, their work resulting in seven indictments being returned against Back for alleged misappropriation of county funds, opened here to-day. The indictment selected for this trial charges Back with having drawn an order on May 22, 1902, for \$675, which it alleges was paid to the Central Engineering Company of Ohio for brick making machines alleged to be for Back's personal use. A special panel of 300 jurors was drawn for the trial and the sessions were occupied in calling the roll and hearing evidence.

District Attorney Roger P. Clark is assisted in the prosecution by John B. Stanchfield, and for the defense George Saline and Woodhull is assisting Theodore R. Tutthill and Frank S. O'Neill of this city.

## Naval Prisoners to Be Released.

BOSTON, Jan. 27.—Fifty-one prisoners at the naval prison at Charlestown have been ordered released. Fifty of the men will be dishonorably discharged and one will return to the service.

Cheney is due to the fact that the naval prison is overcrowded.

Most of the men ordered released were imprisoned for desertion.

PORTSMOUTH, N. H., Jan. 27.—Chief Bottswain William L. Hill, U. S. N., in charge of the U. S. receiving ship, has received orders to pardon and discharge fifty prisoners from that vessel. Most of the men to be released have been confined for desertion.

## SCARY FIRE AT 18 BROADWAY.

## Seaboard National Bank Employees Roused—Ripples in No. 20.

There was a lively fire yesterday afternoon in the Wells Building, at 18 Broadway, on the second floor of which is the Seaboard National Bank. The Wells Building is nine stories high and contains 200 offices, occupied mostly by men in the lumber trade with a sprinkling of lawyers and brokers.

On the second floor, back of the bank, is a large court open all the way to the skylight. In this court the fire started about 3:30 from some unknown origin. The elevator started pulled a box. The elevators went whirling up and down, carrying out the tenants at full capacity. Lumber men and brokers on the lower floors trooped down by the stairs, their arms full of books and papers. Those that had no time to wait for the crowded cars did the same from higher up. Among the stenographers who hurried down a half dozen swooned and did not revive until carried into the sharp Broadway air.

The building emptied in two minutes and contributed its tenants to a large and excited crowd which stamped up and down in Broadway, watching the excitement. Employees of the Seaboard National Bank pulled down the safety hose and tried to attach it to the standpipes. Firemen under Battalion Chief Ross arrived and in fifteen minutes the fire was smothered in the court and along the net of telephone wires. The skylight had broken soon after the spiral of flames mushroomed under it and went crashing down in a hundred pieces on the floor of the court. The flames were burning merrily through the roof when they were quenched. A few occupants of the Standard Oil Building at 20 Broadway, next door got frightened and fled, but the crowd that all trooped back and knuckled down to work. About \$300 damage in burnt wires and broken skylight was done.

## SOUTH ORANGE MAN GONE.

## His Former Bookkeeper Also Absent From Her Home—The Wife's Story.

SOUTH ORANGE, N. J., Jan. 27.—Ralph L. Salter, son of the Rev. R. Newton Salter, pastor of the Unionville Chapel, has been missing from his home since Friday. Before going away he disposed of his electrical supply and contracting business to John A. Hedden and turned his house and automobile over to his wife. On Friday he called his wife up on the telephone, so she says, and had her good-bys.

Miss Maud Tappan of 29 Patterson street, who was employed as a bookkeeper by Salter until recently, hasn't been at her home since Friday, according to her relatives and friends. Her mother to-day spoke bitterly about Salter. She said that when her daughter left home on Friday she said she was going to visit Miss Hattie Crozier in New York.

"The mother of the bookkeeper for my husband," said Mrs. Salter to-day, "called here and asked me if it was true that my husband was to get a divorce. I told her that I was dumbfounded. Mr. Salter denied everything said by the mother. Then Edwin S. Black, counsel for my husband, called and tried to get me to consent to a divorce. I asked on what grounds, but could only get the reply that my husband wanted to go away. I consulted my attorney, William F. Martin, and when he asked the cause for divorce the same reply was given. Mr. Black then admitted in my presence that he got me to consent to leave me and his child."

Soon after this interview Salter began preparations for his departure. Last week he transferred the house in Burnett avenue to his wife. He has always borne a good reputation here.

Before her marriage Mrs. Salter was Miss Loretta Crowell, daughter of Henry B. Crowell of Valley street, Maplewood. She says she will break up housekeeping and live with her parents.

## EX-CAPTAIN REYNOLDS WINS.

## Commissioner Bingham Directed to Reinstate Veterans Brooklyn Policemen.

Justice Maddox in the Supreme Court, Brooklyn, yesterday granted to ex-Police Captain James G. Reynolds a peremptory writ of mandamus directing Commissioner Bingham to reinstate him immediately in his former place. Reynolds also got \$50 in costs and his back pay.

Several months ago Reynolds, who had served thirty-five years on the force, was retired on half pay on the report of the board of surgeons that he was physically disqualified from active police duty. On the hearing on the motion for the writ it was explained that the opinion of the surgeons was based on the defective eyesight of the officer, but this fact was not set forth in the certificate.

This is Capt. Reynolds's second case on to the force by the direction of the courts, the first being during the McClellan administration, when he was also retired for physical disability.

Capt. Reynolds has a suit for \$50,000 pending against Commissioner Bingham growing out of his forcible expulsion from the Mulberry street headquarters when he called to file a formal protest against his expulsion.

## LEARY ON THE WITNESS STAND.

## Thinks He Can Show That His Challenge List Was Genuine.

William Leary, Superintendent of Elections, was put on the witness stand yesterday, when the investigation of the charges of neglect of duty which have been made against him was continued. Nathan Vidaver, counsel for the Independence League, which is trying to get Mr. Leary's scalp, asserted that out of the 5,000 names on the challenge list compiled by Mr. Leary's deputies only about 35 per cent. were genuine. Supt. Leary started out to compare his books with the registry lists, and in many instances the challenge lists in the books did not tally with the registry lists. Mr. Vidaver sought to make was that the Superintendent's men had padded the challenge books with fictitious names.

Mr. Leary said the deputies had been led astray by the reapportionment of the Assembly districts and that the names of persons to be challenged would be found registered in other districts. An adjournment was taken until next Monday so that Leary could be located.

## SHE PLAYED WALL STREET.

## Helen Flack's Forged Checks Said to Foot Up \$15,000.

Miss Helen E. Flack, 29 years old, of 45 East Eighty-seventh street, was arraigned before Judge Crain yesterday in General Sessions charged with having robbed her employer of \$15,000 by forged checks of small denomination. She entered a plea of not guilty, but her lawyer admitted that his client had lost a large sum of money in Wall Street. Her bail was raised from \$5,000 to \$50,000.

Miss Flack was first arraigned in the Jefferson Market police court charged with obtaining \$78.44 on a forged check signed with the name of her employer, Joseph E. Elory, a manufacturer of candy and confectionery. Assistant District Attorney Marshall began working on the case and declared that she "has been laying down forged checks in a small food."

Mark Alter, her lawyer, said that she had already given up \$2,000 in jewelry to make good her defalcation.

## POLICEMAN LOUGHMAN DEAD.

## Prisoner Shot Him on January 21—Reveries, Doctors Thought.

Policeman John Loughman of the Fifth street station, who was shot while struggling with a prisoner at 119th street and Third avenue on January 21 and who was pronounced out of danger on Sunday, died at 7:15 o'clock last night in the Harlem Hospital. The physicians believe blood poisoning caused his death.

Loughman was shot twice in the stomach, the bullets making six punctures of the intestines. He was 31 years old, single and lived at 182 West Fifty-fourth street. He had been in the department five years.



Rare Opportunities for Men and Young Men Keep  
Our Sale of 33 1/2% Off Regular Prices  
Going at a Rapid Pace  
Both Winter and Spring Suits—Winter and Spring Overcoats—  
Prince Albert coats and vests—Trousers—Full Dress suits and  
Tuxedos—Fur and Fur lined Overcoats. Plenty of sizes in every-  
thing mentioned, whatever the net price may be.

**Hackett, Carhart & Co**  
341 Broadway, cor. 13th St. 420 Broadway, cor. Canal St. 265 Broadway, near Chambers St.

POSITIVELY LAST FIVE DAYS  
The Imperial Persian Commissioner  
H. H. TOPAKYAN

Established for over 20 years, now retiring from business, is forced to dispose of his enormous stock of fine

ORIENTAL RUGS AND CARPETS  
(Before his return to Persia) at  
PUBLIC AUCTION  
264 5th Avenue, corner 29th Street.  
Sale begins TO-DAY at 2:30 P. M.  
The sale in charge of Mr. George H. Weigert.

Sale on our second floor.

## SPECIAL SALE

of the high-class imported tailoring stock of Lars. G. Ericson, Windsor Arcade, Fifth Avenue, at exceptionally low prices. Suit or Overcoat to measure, \$25.00. Trousers, \$7.00. Fancy Vest, \$5.00.

Sale on our second floor.

ARNHEIM  
Broadway @ Ninth St.

## FAKE ALARMS FROM SCHOOLS.

Harlem Firemen Out Four Times at Best of an Idle Cut-up

Carl Weinstein, 19 years old, of 540 Wender avenue, The Bronx, was arraigned in the Harlem court yesterday and held for trial for sending in four false alarms from public schools, which kept the Harlem firemen jumping yesterday morning.

The first alarm came from Public School 103, at Madison avenue and 119th street. Battalion Chief O'Connor hustled over with all his apparatus at his command to find school running as usual. The firemen were just getting back into quarters when a second fake call came from Public School 159, at 119th street and Second avenue.

At 9:15 o'clock an alarm was rung in from School 85, at 218 East 110th street, and fifteen minutes later a fourth alarm was sent in from School 57 at 178 East 115th street. The firemen were boiling mad by this time, but out they trumped again, with the same result. Battalion Chief Dougherty, watching near the school in 103d street, between Second and Third avenues, saw Weinstein enter the building and leave it again. The chief followed him to School 103 and caught him tampering with the fire alarm.

In the boy's pocket was a school alarm box key.

He said he got the key from a school to which he had gone to answer an advertisement for a "useful man." He admitted sending in the alarms, but couldn't think of any reason why.

## KILLS HERSELF ON ELEVATED.

## Mrs. Florence Valche Jumps From Platform at Sixty-sixth Street.

Mrs. Florence Valche, 50 years old, who lived at 118 West Sixty-third street, killed herself yesterday morning by jumping in front of a southbound elevated railway train at Sixty-sixth street and Columbus avenue. Her head was severed from her body, which was wedged under the third car of the train so tightly that a wrecking crew had to come and release it.

The body was taken to the West Sixty-eighth street station, where it was identified by Mrs. Valche's daughter. The daughter said that the woman had worried recently over the loss of some money and also had suffered from rheumatism. William Eagan, the motorman of the train, was arrested and released by Coroner Harburger in \$2,000 bail pending an inquest.

## We exercised our privileges

as underwear dealers on a big scale, to give our friends a bargain.

1800 shirts.  
1800 drawers.  
Cooper's Spring Needle  
Derby Ribbed Underwear—  
in a medium Winter weight  
merino.

The comfortable elasticity of the fabric is as well known as the rigidity of its price.

\$2.00 regularly.  
\$1.35.

ROGERS, PEET & COMPANY.  
Three Broadway Stores.

258 842 1290  
Warren st. 13th st. 32nd st.

WHEN  
THE TASTE OF COUNT-  
LESS THOUSANDS  
CENTRES ON  
HUNTER  
WHISKEY

AS AN IDEAL PRODUCT OF THE  
STILL, ITS PURITY, MATURITY  
AND FLAVOR MUST BE SUPREME

GUARANTEED UNDER THE  
NATIONAL PURE FOOD LAW.

FRANK MORRIS & CO. U.S. DISTRICT ATTORNEY  
11 William St., New York, N. Y.

For Gifts  
It's easy to choose gifts  
combining beauty and quality  
if you look for the mark  
"1907 ROGERS BROS."

On knives, forks, spoons,  
and all the things of the  
table, you will find the  
mark of lasting satisfaction  
"1907 ROGERS BROS."

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Last Week  
Annual Sale  
At "The Linen Store."

When we arranged for our Annual Sale this year we planned to continue it through the entire month of January. We are therefore in a position this week to offer practically as complete a variety of patterns, sizes and styles in most of the lines as during the first week. Reductions throughout are such as to make the following exceptionally attractive:

Table Cloths.  
2 x 2 yards.....\$2.25, 2.50, 3.00, 4.00, 5.00 and up  
2 x 2 1/2 yards.....\$2.75, 3.00, 4.00, 5.00, 6.00 and up  
2 1/2 x 2 1/2 yards.....\$4.25, 4.75, 5.00, 6.25, 7.50 and up  
2 1/2 x 3 yards.....\$5.50, 6.00, 6.75, 7.50, 8.50 and up

Napkins (per dozen).  
Breakfast Size.....\$2.00, 2.40, 2.65, 3.00, 3.50 and up  
Dinner Size.....\$2.75, 3.00, 3.50, 4.00, 5.00 and up

French and Domestic Lingerie.  
Chemises.....85c., \$1.00, 1.50, 2.00 to 10.75  
Drawers.....\$1.25, 1.50, 1.75, 2.00 to 7.50  
Petticoats.....\$1.75, 3.25, 4.75, 6.75 to 15.00  
Gowns.....\$1.85, 2.50, 3.25, 4.00 to 16.50

At this sale we also offer complete lines of Bed Linen, Towels, Blankets and Bed Spreads at reduced prices.

**James McCutcheon & Co.,**  
5th Ave. & 34th St., Opposite Waldorf-Astoria

## James McCreery &amp; Co.

33rd Street 34th Street

LADIES' GLOVES. In Both Stores.  
ANNUAL SALE.

Commencing Tuesday, January the 28th.

Sale of 50,000 pairs of Gloves, including Suede and Glace Kid. Over-seam or pique sewn.

1 and 2 clasp Pique. Tan, brown, mode, biscuit, pearl, grey, white or black. 1.00 per pair

8 button length Mousquetaire Tan, grey, white or black. 1.00 per pair

12 button length Glace Tan, white or black. 1.75 per pair

16 button length Glace. White or black. 2.00 per pair

20 button length Black Glace. 2.50 per pair

XAVIER JOUVIN GLOVES.

2 clasp or 3 button length White Glace. 1.00 per pair

4 button length Colored Suede. 1.00 per pair

12 button length Colored or Black Suede. 1.75 per pair

33rd Street 34th Street

## AMUSEMENTS.

**METROPOLITAN**  
Wed. Eve. Jan. 28, at 8—MANON LESCAUT, Cavallet, Matinee, 2:30, 4:30, 6:30, 8:30. Thurs. Eve. Jan. 29, at 8—TANNHAEUSER, Cavallet, Matinee, 2:30, 4:30, 6:30, 8:30. Fri. Eve. Jan. 30, at 8—TANNHAEUSER, Cavallet, Matinee, 2:30, 4:30, 6:30, 8:30. Sat. Eve. Jan. 31, at 8—TANNHAEUSER, Cavallet, Matinee, 2:30, 4:30, 6:30, 8:30. Sun. Eve. Feb. 1, at 8—TANNHAEUSER, Cavallet, Matinee, 2:30, 4:30, 6:30, 8:30. Weber Piano Used.

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